

ATTORNEY DOCKET NO.: 2003028-0049 (MIT6834 / Ariad 022A PCT/USD1)

1637  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Pomerantz et al. Examiner: Horlick  
Serial No.: 09/852,370 Art Unit: 1637  
Filing Date: May 10, 2001  
Title: CHIMERIC DNA-BINDING PROTEINS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

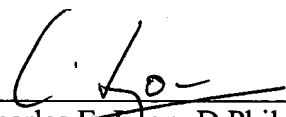
**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Supplemental Information Disclosure Statement (4 pages);
2. Form PTO-1449 (1 page);
3. Statement of Limited Recognition Under 37 C.F.R. § 10.9(b) (1 page);
4. Cited Art (8);
5. Check in the amount of \$180.00; and
6. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

  
\_\_\_\_\_  
Charles E. Lyon, D.Phil.

Agent for Applicant  
Limited Recognition Under 37 C.F.R. § 10.9(b)

CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: September 9, 2004

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**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9-9-04 Sandra Saccoccia  
Date Signature  
Sandra Saccoccia

Typed or Printed Name of person signing certificate

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**STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

**Type of Statement**

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or  
☒ A *supplemental* Information Disclosure Statement.

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<b>Certificate of Mailing</b>	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
9-9-04	<i>Sandra Saccocia</i>
Date	Signature
Sandra Saccocia	
Typed or Printed Name of person signing certificate	

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

[X] Pursuant to 37 CFR § 1.97(c) before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of  
the information disclosure statement; or

[X] Requests that the fee set forth in § 1.17(p) be charged to our Deposit Account No. 03-1721.

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, of which the following is a concise explanation:
- ☐ Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

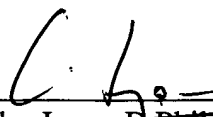
It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: September 9, 2004

  
\_\_\_\_\_  
Charles Lyon, D.Phil.  
Agent for Applicant  
Limited Recognition Under 37 C.F.R. § 10.9(b)

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<b>FORM PTO-1449</b> (REV. 8-83) <b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)	U.S. Department of Commerce Patent and Trademark Office Atty. Docket: 2003028-0049 In Re Application No.: 09/852,370 Applicant: Pomerantz <i>et al.</i> Filing Date: May 10, 2001 Group:
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### U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,242,568	Barbas, III et al.	June 5, 2001	530	350
	5,198,346	Ladner et al.	March 30, 1993	435	69.1

### U.S. PATENT APPLICATIONS

Examiner's Initials:	Publication Number:	Applicant:	Publication Date:	Group:	Art Unit:

### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No

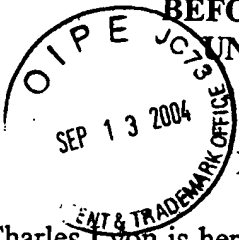
### OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	De Wet, et al., "Firefly Luciferase Gene: Structure and Expression in Mammalian Cells", <i>Molecular and Cellular Biology</i> , 7(2): 725-737, 1987.
	Deng, et al., "Construction and Expression of a Monomeric c-Jun Protein that Binds and Activates Transcription of AP-1-Responsive Genes", <i>Proc. Natl. Acad. Sci. USA</i> , 89: 8572-8576, 1992.
	Jencks, William, "On the Attribution and Additivity of Binding Energies", <i>Proc. Natl. Acad. Sci. USA</i> , 78(7): 4046-4050, 1981.
	Park, et al., "Design and Synthesis of a New Peptide Recognizing a Specific 16-Base-Pair Site of DNA", <i>J. Am Chem. Soc.</i> , 117: 6287-6291, 1995.
	Park, et al., "Can the Monomer of the Leucine Zipper Proteins Recognize the Dimer Binding Site without Dimerization?", <i>J. Am. Chem. Soc.</i> , 118: 4235-4239, 1996.
	Talanian, et al. "Sequence-Specific DNA Binding by a Short Peptide Dimer", <i>Science</i> , 249: 769-771, 1990.

**EXAMINER**

**DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

**Expires: December 1, 2004**

Harry I. Moatz

Director of Enrollment and Discipline